

## **Remarks**

### **In the Claims**

Claims 1-48, 61-66 and 70-73 were pending in the application. Claims 1 and 19 are herein amended. Claims 2-18, and 20-73 are canceled. New claims 74-91 are added. Support for the amendments and new claims can be found throughout the application as filed. No new matter has been added.

For example, support for claim 1 as amended, and claims 80-91 can be found in Figs. 3A – 3H of the instant application, and their attendant descriptions in the specification. Support for claim 19 as amended, and claims 74 and 78 can be found, for example, in paragraph 0086 and Fig. 3A of the application. Support for claim 75 can be found, for example, in paragraph 0087. Support for claim 76, for example, can be found in paragraph 0089. Support for claim 77, for example, can be found in paragraph 0088-0089, and 0106. Support for claim 79 can be found, for example, in paragraph 0100.

### **Rejections under 35 USC §103**

#### **Kramer et al. in view of Bloom et al.**

The Office Action rejected claims 1-8, 11, 15-18, 20-32, 35, 39-42, 44-47, 61-63, and 65-66 under 35 U.S.C. §103(a) as being unpatentable over U.S. 5, 062,774 to Kramer et al. (“Kramer”) in view of U.S. 6,070,761 to Bloom et al. (“Bloom”). In view of the claim amendments, claim cancellations, and new claims, Applicant respectfully traverses.

Neither Kramer nor Bloom teach or suggest either separately or in combination an apparatus comprising a pump cassette, a spike receptacle, and a solution container, wherein a first conduit is in fluid communication at one end with a first port of the cassette and at another end with the spike receptacle, and a second conduit is in fluid communication at one end with the spike receptacle and at another end with a solution container. This arrangement allows, among other things, a volume of fluid entering a second port of the pump cassette to be measured and

pumped via a pump chamber on the cassette, the fluid then being pumped out through the first port and first conduit into a medicament container spiked by the spike receptacle. The medicament thus mixed with the fluid can then be delivered from the medicament container via the spike receptacle and second conduit directly to a solution container.

Independent claims 1, 80 and 87 recite similar features as above, the features therefore being elements of all of the remaining dependent claims. Therefore, none of the pending claims are rendered obvious by Kramer in view of Bloom, and Applicant respectfully requests reconsideration and withdrawal of claim rejections under 35 U.S.C. §103.

Kramer et al. in view of Bloom et al., further in view of Kavick

The Office Action rejected claims 9, 10, 33, and 34 under 35 U.S.C. §103(a) as being unpatentable over Kramer in view of Bloom, further in view of US 4,111,469 to Kavick ("Kavick"). Claims 9, 10, 33 and 34 have been canceled, and the rejections are therefore moot. Moreover, no combination of Kramer, Bloom and/or Kavick teaches or suggests the arrangement and interconnection of the pump cassette, spike receptacle and solution container as recited in independent claims 1, 80 and 87. Therefore, none of the pending claims are rendered obvious by Kramer in view of Bloom and/or Kavick, and Applicant respectfully requests reconsideration and withdrawal of claim rejections under 35 U.S.C. §103.

Kramer in view of Bloom, further in view of Fowles et al.

The Office Action rejected claims 12-14, and 36-38 under 35 U.S.C. §103(a) as being unpatentable over Kramer in view of Bloom, further in view of US 6,159,192 to Fowles et al. ("Fowles"). Claims 12-14 and 36-38 have been canceled, and the rejections are therefore moot. However, to the extent that any elements of these claims can be read into the new or amended claims, the rejection cannot be maintained because neither Fowles alone, nor in combination with Bloom and/or Kramer, teaches or suggests the arrangement and interconnection of the pump cassette, spike receptacle and solution container as recited in independent claims 1, 80 and 87. Therefore, none of the pending claims are rendered obvious by Kramer in view of Bloom and/or Fowles, and Applicant respectfully requests reconsideration and withdrawal of claim rejections under 35 U.S.C. §103.

Kramer in view of Bloom, further in view of Sertic et al.

The Office Action rejected claims 19, 43 and 64 under 35 U.S.C. §103(a) as being unpatentable over Kramer in view of Bloom, further in view of US 5,116,316 to Sertic et al. ("Sertic"). The rejection cannot be maintained because neither Sertic alone, nor in combination with Bloom and/or Kramer, teaches or suggests the arrangement and interconnection of the pump cassette, spike receptacle and solution container as recited in independent claims 1, 80 and 87. Therefore, none of the pending claims are rendered obvious by Kramer in view of Bloom and/or Sertic, and Applicant respectfully requests reconsideration and withdrawal of claim rejections under 35 U.S.C. §103.

Kramer in view of Bloom, further in view of Haber et al.

The Office Action rejected claims 70 and 72 under 35 U.S.C. §103(a) as being unpatentable over Kramer in view of Bloom, further in view of US 5,334,178 to Haber et al. ("Haber"). Claims 70 and 72 have been canceled, and the rejections are therefore moot. Moreover, no combination of Kramer, Bloom and/or Haber teaches or suggests the arrangement and interconnection of the pump cassette, spike receptacle and solution container as recited in independent claims 1, 80 and 87. Therefore, none of the pending claims are rendered obvious by Kramer in view of Bloom and/or Haber, and Applicant respectfully requests reconsideration and withdrawal of claim rejections under 35 U.S.C. §103.

### Conclusion

For the foregoing reasons all of the claims of the present invention are patentable over the art of record. It is believed that all of the claim rejections have been addressed and that the application is now in condition for allowance. Reconsideration of the claims and issuance of a notice of allowance are respectfully requested. If any matter arises for which an interview may expedite issuance of a notice of allowance, the Examiner is requested to call the undersigned, at the telephone number given below.

Applicants request that \$810.00 be charged to Deposit Account No. 50-4383 to cover the fee for the Request for Continued Examination. Applicants also request a three-month extension of time. Kindly charge the \$2,350.00 extension of time fees to Deposit Account No. 50-4383. Applicants also request that any other fee required for timely consideration of this application be charged to Deposit Account No. 50-4383.

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Respectfully submitted,

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